

REMARKS

Claims 1-19 are pending in the present application.

The Examiner has required election in the present application between:

Group I, claims 1-7, 9-11, 16, and 17, drawn to compounds of formula (I);

Group II, claim 8, drawn to a process of making compounds of formula (I);

Group III, claims 12-15, drawn to a process of using compounds of formula (I);

Group IV, claim 18, drawn to compounds of formula (III); and

Group V, claim 19, drawn to compounds of formula (VI).

For the purpose of examination of the present application, Applicants elect, with traverse, Group I, Claims 1-7, 9-11, 16, and 17.

Applicants respectfully traverse the restriction requirement. According to MPEP 806.05(i) and 37 CFR 1.141(b), “[w]here an application contains claims to a product, claims to a process specially adapted for...making the product, and claims to a process of using the product, applicant may be required to elect either (A) the product and process of making it; or (B) the process of using. If the examiner cannot make a showing of distinctness between the process of using and the product..., restriction cannot be required.”

Thus, Applicants respectfully submit that the Examiner has not made a proper showing of distinctness between Groups I, II, and III. Therefore, these three groups should be combined. In the alternative, Applicants respectfully submit that, at least, Groups I and II should be joined in accordance with the requirements of 37 CFR 1.141(b) and MPEP 806.05(i).

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Docket No.: 0020-5489PUS1

Art Unit 1626

Response to Restriction Requirement dated March 10, 2008

Furthermore, Applicants respectfully remind the Examiner that should all the claims directed to the elected invention be in condition for allowance, the nonelected claims should be considered for rejoinder. (See MPEP 821.04(b)).

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

Gerald M. Murphy, Jr.

Registration No.: 28,977

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road, Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant